

COMMITTEE AMENDMENT FORM

DATE: 03/28/ 07

COMMITTEE ZONING PAGE NUM. (S)

ORDINANCE I. D. #06-O-2688 SECTION (S)

RESOLUTION I. D. #07-R- PARA.

AMENDS THE LEGISLATION BY ADDING FOUR (4) CONDITIONS WHICH INCLUDES A SITE PLAN RECEIVED BY THE BUREAU OF PLANNING ON 12/13/06

AMENDMENT DONE BY COUNCIL STAFF 3/28/07

City Council
Atlanta, Georgia

06-O-2688

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

Z-06-126
Date Filed: 11-13-06

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **390 and 398 Stovall Street, S.E.**, be changed from the R4 (Single Family Residential) District to the RG-3-C (Residential General-Sector 3-Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 12 of the 14th District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

Conditions for Z-06-126 for 390 and 398 Stovall Street, S.E.

1. Subject to modifications required by applicable government agencies (i.e. modifications required by the stream buffer variances), the subject property shall be developed in accordance with either (a) the site plan by URG Resource Group dated November 10, 2006 and received by the City of Atlanta Bureau of Planning on November 13, 2006 or (b) the R-4 zoning district regulations. No multi-family units shall be constructed on the subject property.
2. There shall be no barrier, such as a gate, blocking vehicular, pedestrian, or cycling across the subject property.
3. Prior to any signage being installed, the owners, developers, and/or their agents, shall meet with the immediate neighbors to discuss appropriate signage. The NPU-W Land Use & Zoning Chair shall be the contact person to determine who the immediate neighbors are. Evidence of this meeting shall be provided to the Bureau of Planning.
4. Five (5) days prior to any application, petition or other request for modification of these conditions, without regard to whether the submission requires community review or administrative review, the property owner shall provide copies of the application, petition or other request for modification of these conditions to the Chair of the NPU W Land Use and Zoning Committee of NPU-W, President of the North Ormewood Neighborhood and the Councilmember for District Five. Evidence of the provision of copies of the application, petition or other request for modification to the aforementioned parties shall be provided to the Bureau of Planning.

GAL DESCRIPTION

It that tract or parcel of land being in the City of Atlanta and a portion of Land Lot 12 of the 14th District of Fulton County, Georgia being more particularly described as follows:

To find the POINT OF BEGINNING, commence at an iron pipe located at the intersection of the north right-of-way of Faith Avenue (40 foot wide right-of-way) and the east right-of-way of Stovall Street (40 foot wide right-of-way) and run North 00 degrees 08 minutes 50 seconds West along the east right-of-way of Stovall Street for a distance of 341.35 feet to an iron pin, said iron pin being the POINT OF BEGINNING;

Thence from the POINT OF BEGINNING thus established, run North 00 degrees 08 minutes 50 seconds West along the east right-of-way of Stovall Street (40 foot wide right-of-way) for a distance of 50.00 feet to an iron pin on the southerly right-of-way of Interstate 20 (right-of-way width varies);

Thence, along the southerly right-of-way of Interstate 20 (right-of-way width varies), run South 89 degrees 14 minutes 50 seconds East for a distance of 150.35 feet to a point;

Thence, continuing along the southerly right-of-way of Interstate 20 (right-of-way width varies), run North 00 degrees 08 minutes 56 seconds West for a distance of 73.20 feet to an iron pin (said iron pin being 100 feet from centerline of Interstate 20);

Thence, along the southerly right-of-way of Interstate 20 (100 feet from centerline of Interstate 20) run North 72 degrees 18 minutes 10 seconds East for a distance of 117.40 feet to a point;

Thence, leaving the southerly right-of-way of Interstate 20, run North 89 degrees 10 minutes 22 seconds East along the southerly line of the City of Atlanta land for a distance of 115.65 feet to a point;

Thence run South 89 degrees 10 minutes 22 seconds East along the southerly line of land of First Interdenominational Christian Church for a distance of 161.72 feet to a chisel mark in a concrete walk;

Thence run North 01 degrees 03 minutes 38 seconds East along the southerly line of First Interdenominational Christian Church for a distance of 55.60 feet to a point on the southerly right-of-way of Interstate 20;

Thence, along the southerly right-of-way of Interstate 20 (right-of-way width varies), run North 72 degrees 34 minutes 38 seconds East for a distance of 124.86 feet to a concrete right-of-way monument;

Thence, continuing along the southerly right-of-way of Interstate 20 (right-of-way width varies), run along a curve to the right having a radius of 790.68 feet and an arc length of 75.02 feet, being subtended by a chord of North 76 degrees 18 minutes 25 seconds East for a distance of 74.89 feet to concrete right-of-way monument;

Thence, continuing along the southerly right-of-way of Interstate 20 (right-of-way width varies), run North 11 degrees 52 minutes 10 seconds West for a distance of 17.46 feet to an iron pin;

Thence, continuing along the southerly right-of-way of Interstate 20 (right-of-way width varies), run North 80 degrees 06 minutes 29 seconds East for a distance of 180.86 feet to a point;

Thence, continuing along the southerly right-of-way of Interstate 20 (right-of-way width varies), run South 88 degrees 26 minutes 17 seconds East for a distance of 40.88 feet to a concrete right-of-way monument;

Thence, continuing along the southerly right-of-way of Interstate 20 (right-of-way width varies), run South 87 degrees 27 minutes 54 seconds East for a distance of 405.69 feet to an iron pin on the westerly right-of-way of Old Howell Drive (a land locked right-of-way being 28 feet wide);

Thence, along the west right-of-way of Old Howell Drive (a land locked right-of-way being 28 feet wide), run South 28 degrees 33 minutes 52 seconds East for a distance of 12.10 feet to a nail in asphalt;

Thence, along the north line of Battle Court, run North 87 degrees 27 minutes 54 seconds West for a distance of 23.00 feet to a point;

Thence, along the north line of Battle Court, run along a curve to the left having a radius of 684.81 feet and an arc length of 126.35 feet, being subtended by a chord of South 87 degrees 45 minutes 32 seconds West for a distance of 126.17 feet to a nail in asphalt;

Thence, along the north line of Battle Court, run along a curve to the left having a radius of 684.81 feet and an arc length of 95.21 feet, being subtended by a chord of South 78 degrees 29 minutes 24 seconds West for a distance of 95.14 feet to an iron pin;

Thence, along the north line of Battle Court, run South 71 degrees 26 minutes 13 seconds West for a distance of 316.20 feet to an iron pin;

Thence, along the west line of Battle Court, run South 04 degrees 02 minutes 13 seconds West for a distance of 161.04 feet to an iron pin;

Thence, along the north line of Faith Acres subdivision, run South 78 degrees 24 minutes 22 seconds West for a distance of 100.86 feet to an iron pin;

Thence, along the north line of Faith Acres subdivision, run South 57 degrees 06 minutes 22 seconds West for a distance of 168.07 feet to an iron pin;

Thence, along the north line of Faith Acres subdivision, run South 67 degrees 20 minutes 22 seconds West for a distance of 179.76 feet to an iron pin;

Thence, along the north line of Faith Acres subdivision, run South 87 degrees 58 minutes 22 seconds West for a distance of 249.27 feet to an iron pin;

Thence, along the east line of Faith Acres subdivision, run North 00 degrees 08 minutes 39 seconds West for a distance of 189.75 feet to an iron pin;

Thence, along the north line of Faith Acres subdivision, run North 89 degrees 14 minutes 50 seconds West for a distance of 150.00 feet to the POINT OF BEGINNING;

Said tract or parcel of land contains 5.7776 acres.

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LEGAL DESCRIPTION COMMON DRIVE EASEMENT

ALL THAT TRACT OR PARCEL OF LAND BEING IN THE CITY OF ATLANTA AND BEING A PORTION OF LAND LOT 12 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY OF INTERSTATE 20 (RIGHT-OF-WAY WIDTH VARIES) AND THE WESTERLY RIGHT-OF-WAY OF MORELAND AVENUE (RIGHT-OF-WAY WIDTH VARIES); AND RUN ALONG SAID SOUTHERLY RIGHT-OF-WAY OF MORELAND AVENUE SOUTH 05 DEGREES 43 MINUTES 08 SECONDS EAST FOR A DISTANCE OF 10.00 FEET THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING THUS ESTABLISHED, RUN SOUTH 05 DEGREES 43 MINUTES 08 SECONDS EAST ALONG THE WESTERLY RIGHT-OF-WAY OF MORELAND AVENUE FOR A DISTANCE OF 28.19 FEET TO A POINT;

THENCE LEAVING SAID RIGHT-OF-WAY RUN NORTH 88 DEGREES 59 MINUTES 17 SECONDS FOR A DISTANCE OF 69.49 FEET TO A POINT ON THE FORMER WESTERLY RIGHT-OF-WAY OF OLD HOWELL DRIVE;

THENCE RUN NORTH 28 DEGREES 33 MINUTES 52 SECONDS WEST ALONG THE SAID FORMER WESTERLY RIGHT-OF-WAY OF OLD HOWELL DRIVE FOR A DISTANCE OF 159.07 FEET TO 5/8 INCH REINFORCING BAR;

THENCE RUN SOUTH 87 DEGREES 27 MINUTES 54 SECONDS EAST ALONG THE SOUTHERLY RIGHT-OF-WAY OF INTERSTATE 20 (RIGHT-OF-WAY WIDTH VARIES) FOR A DISTANCE OF 32.70 FEET TO A POINT;

THENCE LEAVING SAID RIGHT-OF-WAY RUN SOUTH 28 DEGREES 33 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 125.88 FEET TO A POINT;

THENCE RUN SOUTH 88 DEGREES 59 MINUTES 17 SECONDS EAST FOR A DISTANCE OF 49.88 FEET TO A POINT AND THE POINT OF BEGINNING;

SAID TRACT OR PARCEL CONTAINS 0.1299 ACRES AND IS SAME AS DESCRIBED IN EASEMENT AGREEMENT RECORDED IN DEED BOOK 5390, PAGE 463

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LEGAL DESCRIPTION (LOT 390)

All that tract or parcel of land being in the City of Atlanta and being a portion of Land Lot 12 of the 14th District of Fulton County, Georgia being more particularly described as follows:

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Thence from the POINT OF BEGINNING thus established, Depart said right-of-way & run South 89 degrees 14 minutes 50 seconds East for a distance of 150.00 to a 5/8" rebar pin;

Thence, run South 00 degrees 08 minutes 39 seconds East for a distance of 60.00 feet to an iron pin set;

Thence, run North 89 degrees 14 minutes 50 seconds West for a distance of 150.00 feet to an iron pin set on the east right-of-way of Stovall Street (40 foot wide right-of-way);

Thence, run North 00 degrees 08 minutes 50 seconds West along the east right-of-way of Stovall Street, a distance of 60.00 feet to a 1/2" rebar, said point being the POINT OF BEGINNING;

Said tract or parcel of land contains 8,999 Sq Ft or 0.20658 acres.

LEGAL DESCRIPTION (LOT 398)

All that tract or parcel of land being in the City of Atlanta and being a portion of Land Lot 12 of the 14th District of Fulton County, Georgia being more particularly described as follows:

To find the POINT OF BEGINNING, commence at an iron pipe located at the intersection of the north right-of-way of Faith Avenue (40 foot wide right-of-way) and the east right-of-way of Stovall Street (40 foot wide right-of-way) and run North 00 degrees 08 minutes 50 seconds West along the east right-of-way of Stovall Street for a distance of 203.85 feet to an iron pin set, said point being the POINT OF BEGINNING;

Thence from the POINT OF BEGINNING thus established, Continue along said right-of-way North 00 degrees 08 minutes 50 seconds West for a distance of 77.50 feet to an iron pin set;

Thence, depart the east right-of-way of Stovall Street, run South 89 degrees 14 minutes 50 seconds East for a distance of 150.00 to an iron pin set;

Thence, run South 00 degrees 08 minutes 39 seconds East for a distance of 70.00 feet to an iron pin set;

Thence, run South 87 degrees 53 minutes 18 seconds West for a distance of 150.06 feet to an iron pin set on the east right-of-way of Stovall Street (40 foot wide right-of-way) and the POINT OF BEGINNING;

Said tract or parcel of land contains 11,061 Sq Ft or 0.25392 acres.

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City Council
Atlanta, Georgia

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SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **390 and 398 Stovall Street, S.E.**, be changed from R-4 (Single family Residential) District) to the RG-3 (Residential General-Sector 3) District, to wit:

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SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

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Thence, along the southerly right-of-way of Interstate 20 (right-of-way width varies), run South 89 degrees 14 minutes 50 seconds East for a distance of 150.35 feet to a point;

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THENCE RUN NORTH 28 DEGREES 33 MINUTES 52 SECONDS WEST ALONG THE SAID FORMER WESTERLY RIGHT-OF-WAY OF OLD HOWELL DRIVE FOR A DISTANCE OF 159.07 FEET TO 5/8 INCH REINFORCING BAR;

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Thence, run South 00 degrees 08 minutes 39 seconds East for a distance of 60.00 feet to an iron pin set;

Thence, run North 89 degrees 14 minutes 50 seconds West for a distance of 150.00 feet to an iron pin set on the east right-of-way of Stovall Street (40 foot wide right-of-way);

Thence, run North 00 degrees 08 minutes 50 seconds West along the east right-of-way of Stovall Street, a distance of 60.00 feet to a 1/2" rebar, said point being the POINT OF BEGINNING;
Said tract or parcel of land contains 8,999 Sq Ft or 0.20658 acres.

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